



UNITED STATES PATENT AND TRADEMARK OFFICE

Atty: RBH/JRK
Page 1 of 2
Action: RESPONSE
Due Date: 12/18/00

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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09/652,927

08/31/2000

Theodore W. Meyers

RECEIVED
OCT 26 2000

Richard B Hoffman
Tilton Fallon Lungmus & Chestnut
100 South Wacker Drive Ste 900
Chicago, IL 60606-4002
**FALLON, FALLON, LUNG MUS,
CHESTNUT**

FORMALITIES LETTER



OC000000005484688

Date Mailed: 10/18/2000

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 6 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid

delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



11/01/00

DACT³
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Meyers)
Application No.: 09/652,927)
Filed: August 31, 2000)
For: TEE BAFFLE FOR USE AT INLET)
OR OUTLET OF SEPTIC AND)
OTHER ON-SITE WASTE DISPOSAL)
SYSTEMS)

"Express Mail" mailing label number EL334/83283
Date of Deposit 10-31-00
I hereby certify that this paper or fee is being
deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service
under 37 CFR 1.10 on the date indicated above
and is addressed to the Commissioner of Patents
and Trademarks, Washington, D.C. 20231
Jeremy R. Krieger Reg. No. 39,257
(Typed or printed name of person mailing paper or fee)
Jeremy R. Krieger
(Signature of person mailing paper or fee)

PRELIMINARY AMENDMENT OR, IN THE ALTERNATIVE,
PETITION UNDER 37 C.F.R. 1.182 IN
RESPONSE TO NOTICE OF OMITTED ITEM(S)
IN A NONPROVISIONAL APPLICATION

Hon. Commissioner of
Patents & Trademarks
Washington, D.C. 20231

RECEIVED

NOV 06 2000

OFFICE OF PETITIONS

Dear Sir:

In response to the Notice of Omitted Item(s) in a
Nonprovisional Application mailed on October 18, 2000, the
Applicant respectfully submits a copy of Figure 6, which was
inadvertently omitted from the original application as-filed.
Because the tee baffle of the present invention is already shown
in the environment of a septic tank in Fig. 1, and because Fig. 7
already shows the engagement of a single-pass effluent filter
with the locking rims of the tee baffle, and further, because all
claimed components of the invention that are shown in Fig. 6 are
also adequately described in the text and shown in other drawing
figures of the Specification as originally filed to provide an
enabling disclosure and convey to one of ordinary skill in the
art how to make and practice the claimed invention, it is
respectfully submitted that Figure 6 does not add any new matter

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to the application. Thus, it is requested that the application still be accorded the original filing date of August 31, 2000, and that the present Response be considered a preliminary amendment to include the previously inadvertently-omitted Figure 6 to the application.

However, in the event Figure 6 is considered by the Patent Office to add new matter to the application requiring that the case only receive a filing date as of the date of filing of this Response, the Applicant submits herewith a supplemental Declaration and fee for \$130.00, and requests that this response be considered a Petition under 37 C.F.R. 1.182 to grant a filing date as of the date of filing of the accompanying Figure 6.

There should be a total of six (6) drawing sheets in the application. The Applicant will submit formal drawings at a later date, and will correct the numbering of the drawing sheets at that time. In the event any additional fees are necessary (or if any extra has been paid) in order to consider this submission, kindly charge (or credit) the cost thereof to our Deposit Account No. 20-1111.

Respectfully submitted,

Date: October 31, 2000


Jeremy R. Kriegel
Reg. No. 39,257

TILTON, FALLON, LUNG MUS & CHESTNUT
100 South Wacker Drive, Suite 960
Chicago, Illinois 60606-4002
(312) 456-8000

FIG. 6

